

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ARMIN DE GOORTE f/k/a OSAMA AHMED
ABDELLATIF EL MOKADEM,

Petitioner.

-v-

UNITED STATES,

Respondent.
-----X

19-cr-646 (LJL)
22-cv-1303 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Movant Armin De Goorte moves for a certificate of appealability. He also asks for the Court to adjourn his surrender date pending the resolution of an appeal. Dkt. No. 137.

The Court grants a certificate of appealability pursuant to 28 U.S.C. § 2253(c)(1)(B). De Goorte satisfies the standard set forth in *Love v. McCray*, 413 F.3d 192, 195 (2d Cir. 2005).

The motion to adjourn De Goorte's surrender date is denied. De Goorte does not satisfy the standards for bail pending appeal set forth at 18 U.S.C. § 3143(b). He has not shown by clear and convincing evidence that he is not likely to flee or pose a danger to the community—particularly given his immigration status, his likely removal after serving his sentence, and the fact that he committed a crime of fraud while on bail. He also has not shown that his appeal raises a substantial question of law or fact likely to result in reversal, an order for a new trial, a sentence that does not include a term of imprisonment, or a reduced sentence to a term of imprisonment less than the total of time already served plus the likely duration of the appeal process. 18 U.S.C. § 3143(b). On this record, an adjournment of the surrender date would have the same effect as the impermissible granting of bail pending appeal.

The Clerk of Court is directed to close Dkt. No. 137.

SO ORDERED.

Dated: September 22, 2022
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', written over a horizontal line.

LEWIS J. LIMAN
United States District Judge